



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2952

Introduced 2/1/2012, by Sen. Sue Rezin

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-214.3

from Ch. 110, par. 13-214.3

Amends the Code of Civil Procedure. In provisions that limit an action against an attorney for malpractice to no later than 6 years after the date on which the attorney's act or omission occurred adds this exception: if the client is still represented by the attorney or the attorney knowingly conceals the act or omission, the period of limitations shall not begin to run until the person is no longer represented by the attorney or until the client should have known of the injury.

LRB097 14080 AJ0 58743 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 13-214.3 as follows:

6 (735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,  
8 which has been held unconstitutional)

9 Sec. 13-214.3. Attorneys.

10 (a) In this Section: "attorney" includes (i) an individual  
11 attorney, together with his or her employees who are attorneys,  
12 (ii) a professional partnership of attorneys, together with its  
13 employees, partners, and members who are attorneys, and (iii) a  
14 professional service corporation of attorneys, together with  
15 its employees, officers, and shareholders who are attorneys;  
16 and "non-attorney employee" means a person who is not an  
17 attorney but is employed by an attorney.

18 (b) An action for damages based on tort, contract, or  
19 otherwise (i) against an attorney arising out of an act or  
20 omission in the performance of professional services or (ii)  
21 against a non-attorney employee arising out of an act or  
22 omission in the course of his or her employment by an attorney  
23 to assist the attorney in performing professional services must

1 be commenced within 2 years from the time the person bringing  
2 the action knew or reasonably should have known of the injury  
3 for which damages are sought.

4 (c) Except as provided in subsection (d), an action  
5 described in subsection (b) may not be commenced in any event  
6 more than 6 years after the date on which the act or omission  
7 occurred, however if the person entitled to bring the action is  
8 still represented by the attorney or the attorney knowingly  
9 conceals the act or omission so as to prevent the person  
10 bringing the action from becoming aware of the act or omission,  
11 the period of limitations is not limited by the 6 year  
12 limitation and shall not begin to run until the person is no  
13 longer represented by the attorney or until the person knows or  
14 should have known of the injury.

15 (d) When the injury caused by the act or omission does not  
16 occur until the death of the person for whom the professional  
17 services were rendered, the action may be commenced within 2  
18 years after the date of the person's death unless letters of  
19 office are issued or the person's will is admitted to probate  
20 within that 2 year period, in which case the action must be  
21 commenced within the time for filing claims against the estate  
22 or a petition contesting the validity of the will of the  
23 deceased person, whichever is later, as provided in the Probate  
24 Act of 1975.

25 (e) If the person entitled to bring the action is under the  
26 age of majority or under other legal disability at the time the

1 cause of action accrues, the period of limitations shall not  
2 begin to run until majority is attained or the disability is  
3 removed.

4 (f) This Section applies to all causes of action accruing  
5 on or after its effective date.

6 (Source: P.A. 86-1371.)